

shall not be limited to, endorsing or otherwise securing loans or contracts for the repayment of loans.

(b) Evasions. – The provisions of subsection (a) of this section ~~shall apply~~ apply to any person who seeks to avoid its application by any device, ~~subterfuge~~ subterfuge, or pretense whatsoever. Devices, subterfuges, and pretenses include any transaction in which a cash rebate or other advance of funds is offered and all of the following apply:

- (1) The cash advance is made contemporaneously with the transaction or soon thereafter.
- (2) The amount of the cash advance is required to be repaid at a later date.
- (3) The selling or providing of any item, service, or commodity with the transaction is incidental to, or a pretext for, the advance of funds.

(c) Penalties; Commissioner to Provide and Testify as to Facts in His Possession. – Any person not exempt from this Article, or any officer, agent, ~~employee~~ employee, or representative thereof, who fails to comply with or who otherwise violates any of the provisions of this Article, or any regulation of the Banking Commission adopted pursuant to this Article, shall be guilty of a Class 1 misdemeanor. Each ~~such~~ violation shall be considered a separate offense. It ~~shall be~~ is the duty of the Commissioner of Banks to provide the district attorney of the court having jurisdiction of any ~~such~~ offense under this subsection with all facts and evidence in his-the Commissioner's actual or constructive possession, and to testify as to such-these facts upon the trial of any person for any-such the offense.

(d) Additional Penalties. – Any contract of loan, the making or collecting of which violates any provision of this Article, or regulation thereunder, except as a result of accidental or bona fide error of computation ~~shall be void~~ is void, and the licensee or any other party in violation shall ~~have no right to not~~ collect, ~~receive~~ receive, or retain any principal or charges whatsoever with respect to ~~such-the~~ loan. If an affiliate operating in the same office or subsidiary operating in the same office of a licensee makes a loan in violation of ~~G.S. 53-180(i)~~ such G.S. 53-180(i), the affiliate or subsidiary may recover only its principal on ~~such-the~~ loan."

SECTION 3. This act becomes effective October 1, 2006, and applies to transactions that are investigated on or after that date under the North Carolina Consumer Finance Act, Article 15 of Chapter 53 of the General Statutes, as amended by this act, and applies to transactions that are subject to enforcement actions under the North Carolina Consumer Finance Act that are filed on or after that date.

In the General Assembly read three times and ratified this the 20th day of July, 2006.

Became law upon approval of the Governor at 2:22 p.m. on the 13th day of August, 2006.

S.B. 353

Session Law 2006-244

AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE FOR A PERIOD BEGINNING ON 1 AUGUST 2006 AND ENDING ON 1 AUGUST 2007, SUBJECT ONLY TO THE FOLLOWING EXCEPTIONS: (I) AN AMENDMENT, MODIFICATION, OR OTHER CHANGE TO A PERMIT FOR A LANDFILL ISSUED ON OR BEFORE 1 JUNE 2006; (II) A PERMIT FOR A HORIZONTAL OR VERTICAL EXPANSION OF THE LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006;